Certificate of Mailing 37 C.F.R. §1.8(a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to MAIL STOP AMENDMENT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Name of Person Signing Certificate:

Date

MAIL STOP AMENDMENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

First Named Inventor: Takumi TANABE, et al.

§

Conf. No.:

MAY 0 2 2005

5649

Group Art Unit: 2616

Appln. No.:

09/820,474

Examiner:

JAMIESON W. FISH

Filing Date:

March 29, 2001

Attorney Docket No.: 8861-400US

(P23811-01)

Title: BROADCAST SYSTEM AND ADVERTISING METHOD FOR USE IN THE SAME

# SECOND SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. §1.97(c)

## TIME OF TRANSMITTAL OF ACCOMPANYING INFORMATION DISCLOSURE STATEMENT

1. The Second Supplemental Information Disclosure Statement (IDS) transmitted herewith is being filed after the mailing date of the first Office Action on the merits, but before the mailing date of either a final action or a notice of allowance.

## STATEMENT UNDER 37 CFR 1.97(e)

2. Accompanying this transmittal is the following statement, as specified in 37 C.F.R. § 1.97(e)

No item of information contained in the Second Supplemental IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the Second Supplemental IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than 3 months prior to the filing of the Second Supplemental IDS. 37 C.F.R. § 1.97(e)(2).

The cited references were first brought to Applicants' attention in a correspondence mailed to Applicants from the USPTO on January 27, 2005 and received by Applicants on February 2, 2005. The correspondence included a late-filed and unentered "Protest Under 37 CFR 1.291(a)" that discussed the cited references.

#### **FEE PAYMENT**

3. No fee is believed to be due.

### **CONSIDERATION OF IDS REFERENCE**

It is requested that the reference listed on the attached Information Disclosure Citation Form PTO/SB/08A be considered by the Patent Examiner in connection with the above identified application and be made of record therein.

In accordance with the Official PTO waiver, a copy of the U.S. patent document listed on the Form PTO/SB/08A is not attached. The official waiver withdraws the requirement under 37 C.F.R. § 1.98(a)(2)(i) for submitting copies of each listed U.S. patent and application for applications filed after June 30, 2003. A copy of the listed U.S. patent document will be provided upon request. Copies of the non-patent documents are enclosed.

The filing of this Information Disclosure Statement shall not be construed as an admission that the listed document constitutes prior art, nor as an admission against interest in any manner.

It is respectfully requested that this Information Disclosure Statement and the document listed on the attached Form PTO/SB/08A be considered and acknowledged by the Examiner in connection with the above-identified patent application, be made of record therein, and that the listed document be cited in the issued patent.

Respectfully submitted,

Takumi TANABE, et al.

April 29,2005 By:

CLARK A. JABLO

Registration No. 35,039

AKIN GUMP STRAUSS HAUER & FELD LLP

One Commerce Square

2005 Market Street - Suite 2200

Philadelphia, PA 19103

Direct Dial: (215) 965-1293 Facsimile: (215) 965-1210

		MAY 0 2	2005			
Form PTO/SB/08		Complete if Known				
INFORMATION DISCLOSURE STATEMENT BY APPLICANT			~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~~	Application Number	09/820,474	
			SURE	Filing Date	March 29, 2001	
			CANI	First Named Inventor	Takumi TANABE, et al.	
(1100.0	o many ch	ooto os noo	occon/)	Group Art Unit	2616	
(use as many sheets as necessary)		Examiner Name	JAMIESON W. FISH			
Sheet	1	of	1	Attorney Docket Number	8861-400US (P23811-01)	•

U.S. PATENT DOCUMENTS						
Exr Initials	U.S. Patent Document  Number Kind Code (if known)		Name of First Inventor of Cited Document	Date of Publication of Cited Document MM-YYYY		
	6,141,010		Hoyle	10-2000		

			<b>FOREIGN PATE</b>	NT DOCUMENTS		
		Foreign Patent Docum	ent		Date of	T <sub>1</sub>
Exr Initials	Country Code	Number	Kind Code (if known)	Name of Applicant of Cited Document	Publication of Cited Document MM-YYYY	
	WO	9955066	A1	Zeitmeir	10-1999	X

OTHER PRIOR ART - NON PATENT LITERATURE DOCUMENTS					
magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book,					
Claria – Company Information – Corporate Overview, printout from Claria.com web site: http://www.claria.com/companyinfo/, Copyright 2004 © Claria Corporation, printout date: February 23, 2005, 2 pages.	Х				
	+-				
	Include Name of first Author (in CAPITAL LETTERS), title of the article (where appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), volume-issue number(s), page(s), date (in parentheses). If a book, also include publisher and city and/or county where published.  Claria — Company Information — Corporate Overview, printout from Claria.com web site: http://www.claria.com/companyinfo/, Copyright 2004 © Claria Corporation, printout date:				

Examiner	Date	
Signature	 Considered	